## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

TRICIA THOMAS, on behalf of herself and all others similarly situated,		) ) - CIVIL ACTION ) - No. 1:11-cv-10830
	Plaintiff.	)
VS.		)
DAVITA, INC		)
	Defendant.	)
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## JOINT MOTION TO APPROVE RESOLUTION AND DISMISS

Plaintiff Tricia Thomas and Defendant DaVita, Inc. ("DaVita"), the only parties who have appeared in this case, request that the Court approve the resolution of Plaintiff's individual claims in this action and dismiss this action with prejudice with respect to Plaintiff and without prejudice with respect to the putative classes alleged in the operative Amended Complaint. The parties state as follows in support of their motion:

- 1. Plaintiff Tricia Thomas ("Thomas" or "Plaintiff") filed her Complaint on May 10. 2011 alleging violations of the Massachusetts Wage laws and the Fair Labor Standards Act ("FLSA"), and thereafter amended the Complaint in response to this Court's granting DaVita's motion to dismiss federal and state recordkeeping claims. Plaintiff alleges, in particular, that she has not been paid for time worked during meal breaks and while "off the clock" during the course of her employment at DaVita from September 2009 to June 2012.
- 2. Although DaVita denies liability, the parties have agreed to resolve this matter now rather than engage in protracted litigation. The parties have entered into a confidential settlement agreement and general release (the "Settlement Agreement").

This motion parvades the construct the agreed your settlement of fair and reasonable. It is, therefore, hereby APPROVED and this case is hereby DISMISSED. Wolf, 2J. Done 19, 2013